

House File 2392 - Introduced

HOUSE FILE 2392

BY THOMPSON

A BILL FOR

1 An Act relating to the establishment of a statewide alert
2 system for missing service members.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 35E.1 Definitions.

2 For the purposes of this chapter, unless the context
3 otherwise requires:

4 1. "*Alert*" means a statewide green alert for missing service
5 members pursuant to this chapter.

6 2. "*Department*" means the Iowa department of veterans
7 affairs created in section 35A.4.

8 3. "*Law enforcement agency*" means a law enforcement agency
9 with jurisdiction over the investigation of a missing service
10 member.

11 4. "*Service member*" means a person who is a current or
12 former regular or reserve member of the armed forces of the
13 United States, the United States coast guard, the civil air
14 patrol, or a unit created pursuant to section 29A.2.

15 Sec. 2. NEW SECTION. 35E.2 Green alert system.

16 The department shall do all of the following:

17 1. Develop and implement a statewide green alert system
18 that may be activated to inform the public of a missing service
19 member who suffers from a mental illness, including but not
20 limited to post-traumatic stress disorder or a brain injury.

21 2. Cooperate with the department of transportation, the
22 office of the governor, and law enforcement agencies in this
23 state in order to effectuate the purpose of this subsection.

24 3. Prescribe forms for law enforcement agencies to request
25 the activation of an alert.

26 4. Cooperate with public and private entities, including
27 but not limited to media outlets, commercial entities, local
28 governmental entities, and other appropriate persons, to
29 development and implement the green alert system.

30 5. Upon receiving a notification pursuant to section 35E.3,
31 confirm the accuracy of the information, and, if the department
32 determines the information contained in the report is accurate,
33 immediately issue an alert through media outlets participating
34 in the green alert system and through dynamic notification
35 systems maintained by the department of transportation.

1 6. Terminate an alert on the date the missing service member
2 has been located or the situation is otherwise resolved, or
3 the alert has been issued for the maximum number of days as
4 determined by the department by rule, whichever is earlier.

5 7. Adopt rules to effectuate the purposes of this chapter
6 which shall include but not be limited to all of the following:

7 a. Procedures that law enforcement agencies may use to
8 verify whether a service member is missing and suffers from a
9 mental illness, including but not limited to post-traumatic
10 stress disorder or a brain injury.

11 b. Circumstances when a law enforcement agency shall report
12 a missing service member to the department.

13 c. Procedures for individuals or entities to report
14 information about a missing service member to media outlets in
15 this state.

16 d. Guidance for protecting the privacy of a missing service
17 member for whom an alert has been issued.

18 e. Procedures for service members to opt out of the green
19 alert system.

20 f. The content of an alert issued to the public which
21 shall include but not be limited to information received by
22 a law enforcement agency necessary to be disclosed in order
23 to lead to a safe recovery of the missing service member and
24 instructions for a person with information related to a missing
25 service member to contact a law enforcement agency.

26 g. The maximum number of days an alert may be issued.

27 Sec. 3. NEW SECTION. 35E.3 Law enforcement agencies —
28 duties.

29 1. In addition to any circumstances established by the
30 department by rule, a law enforcement agency shall notify the
31 department if all of the following circumstances apply:

32 a. The law enforcement agency receives a report of a missing
33 service member who has not opted out of the green alert system.

34 b. The law enforcement agency verifies the missing person is
35 a service member, the person's whereabouts are unknown, and the

1 service member suffers from a mental illness, including but not
2 limited to post-traumatic stress disorder or a brain injury.

3 c. The law enforcement agency determines that the
4 disappearance of the service member poses a credible threat to
5 the health or safety of the service member or to the health or
6 safety of another person.

7 2. A law enforcement agency shall verify information
8 described in subsection 1 as soon as practicable after
9 receiving a report of a missing service member.

10 3. When verifying the service member suffers from
11 conditions described in subsection 1, paragraph "b", a law
12 enforcement agency shall require a family member, guardian,
13 or person acting under the authority of a health care power
14 of attorney to provide documentation of the service member's
15 illness or injury.

16 4. A law enforcement agency shall inform the department
17 immediately upon locating a missing service member or when a
18 missing service member's situation is otherwise resolved.

19 Sec. 4. NEW SECTION. 35E.4 Department of transportation —
20 limitation on participation.

21 Notwithstanding section 35.2, the department of
22 transportation shall not be required to use any existing system
23 of dynamic message signs in the green alert system created
24 under this chapter if the department of transportation receives
25 notice from the United States department of transportation
26 federal highway administration that the use of the signs would
27 result in the loss of federal highway funding or other punitive
28 actions due to noncompliance with federal laws, regulations,
29 or policies.

30 Sec. 5. DEPARTMENT OF TRANSPORTATION — GREEN ALERT SYSTEM
31 IMPLEMENTATION. The department of transportation is directed
32 to adopt administrative rules pursuant to chapter 17A, in
33 cooperation with the Iowa department of veterans affairs, to
34 develop and implement the green alert system established in
35 chapter 35E. Such administrative rules shall include but not

1 be limited to procedures for cooperating with the department
2 of veterans affairs and procedures for providing relevant
3 information to agency employees, relevant personnel, and the
4 public once an alert has been requested or activated.

5

EXPLANATION

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The inclusion of this explanation does not constitute agreement with
the explanation's substance by the members of the general assembly.

8 This bill relates to the establishment of a statewide alert
9 system for missing service members.

10 The bill defines "alert" as a statewide green alert for
11 missing service members. The bill defines "department" as
12 the Iowa department of veterans affairs (DVA). The bill
13 defines "law enforcement agency" as a law enforcement agency
14 with jurisdiction over the investigation of a missing service
15 member. The bill defines "service member" as a person who is
16 a current or former regular or reserve member of the armed
17 forces of the United States, the United States coast guard, the
18 civil air patrol, the Iowa army national guard, or the Iowa air
19 national guard.

20 The bill requires DVA to develop and implement a statewide
21 green alert system that may be activated to inform the public
22 of a missing service member who suffers from a mental illness,
23 including but not limited to post-traumatic stress disorder, or
24 a brain injury; cooperate with the department of transportation
25 (DOT), the office of the governor, and law enforcement agencies
26 in this state in order to effectuate the purpose of the green
27 alert system; prescribe forms for law enforcement agencies
28 to request the activation of an alert; cooperate with public
29 and private entities, including but not limited to media
30 outlets, commercial entities, local governmental entities,
31 and other appropriate persons, to development and implement
32 the green alert system; upon receiving a notification from a
33 law enforcement agency of a missing service member, confirm
34 the accuracy of the information, and, if DVA determines the
35 information contained in the report is accurate, immediately

1 issue an alert through media outlets participating in the
2 green alert system and through dynamic notification systems
3 maintained by the DOT; and terminate an alert on the date
4 the missing service member has been located or the situation
5 is otherwise resolved, or the alert has been issued for the
6 maximum number of days as determined by DVA by rule, whichever
7 is earlier.

8 The bill requires DVA to adopt rules to effectuate the
9 green alert system which shall include but not be limited to
10 procedures law enforcement agencies shall use to verify whether
11 a service member is missing and suffers from a mental illness,
12 including but not limited to post-traumatic stress disorder,
13 or a brain injury; circumstances when a law enforcement agency
14 shall report a missing service member to the department;
15 procedures for individuals or entities to report information
16 about a missing service member to media outlets in this state;
17 guidance for protecting the privacy of a missing service member
18 for whom an alert has been issued; procedures for service
19 members to opt out of the green alert system; the content of
20 an alert issued to the public which shall include but not be
21 limited to information received by a law enforcement agency
22 necessary to be disclosed in order to lead to a safe recovery
23 of the missing service member and instructions for a person
24 with information related to a missing service member to contact
25 a law enforcement agency; and the maximum number of days an
26 alert may be issued.

27 The bill requires a law enforcement agency, in addition to
28 any circumstances established by DVA by rule, to notify DVA
29 if the law enforcement agency receives a report of a missing
30 service member who has not opted out of the green alert system;
31 the law enforcement agency verifies the missing person is a
32 service member, the person's whereabouts are unknown, and
33 the service member suffers from a mental illness, including
34 but not limited to post-traumatic stress disorder or a brain
35 injury; and the law enforcement agency determines that the

1 disappearance of the service member poses a credible threat to
2 the health or safety of the service member or to the health or
3 safety of another person.

4 The bill requires a law enforcement agency to verify
5 information received relating to a missing service member as
6 soon as practicable after receiving a report of a missing
7 service member.

8 The bill requires a law enforcement agency, when verifying
9 the service member suffers from a mental illness or brain
10 injury, to require a family member, guardian, or person acting
11 under the authority of a health care power of attorney to
12 provide documentation of the service member's illness or
13 injury.

14 The bill requires a law enforcement agency to inform DVA
15 immediately upon locating a missing service member or when a
16 missing service member's situation is otherwise resolved.

17 The bill provides that DOT shall not be required to use any
18 existing system of dynamic message signs in the green alert
19 system if DOT receives notice from the United States department
20 of transportation federal highway administration that the
21 use of the signs would result in the loss of federal highway
22 funding or other punitive actions due to noncompliance with
23 federal laws, regulations, or policies.

24 The bill directs DOT to adopt administrative rules, in
25 cooperation with DVA, to develop and implement the green alert
26 system. Such administrative rules shall include but not be
27 limited to procedures for cooperating with DVA and procedures
28 for providing relevant information to agency employees,
29 relevant personnel, and the public once an alert has been
30 requested or activated.